

REMARKS

Claims 1-5 are pending and rejected. Reconsideration and allowance of all pending claims are requested in view of the remarks below.

Drawings

Figures 1-4 are objected to for lack of a Prior Art label. Applicant has labeled Figure 4 as Prior Art. However, Applicant traverses the objection as to Figures 1-3. In view of the specification, Applicant submits that Figures 1-3 do not show only that which is old. For example, claim 1 recites a housing shell. Figures 1-3 illustrate a housing shell 1.

Submitted herewith is a replacement sheet of drawings, having Figure 4 labeled as Prior Art.

Specification

The Examiner has requested an abstract. Applicant submits herewith, the abstract based on the abstract recited in the published International Application.

Rejection Under 35 U.S.C. §112

The Examiner rejects claims 1-5 under 35 U.S.C. § 112, first paragraph, as containing subject matter not described in the specification. Applicant traverses this rejection. Applicant submits that the specification clearly supports the claimed subject matter. For example, the specification at least at page 1, line 21 to page 2, line 16, page 3, lines 21-35 and Figures 4-5

provides support for the subject matter of claims 1-5. Applicant also references the alternative configurations disclosed at page 2, lines 18-28 and page 4, lines 8-20.

As the single example of support for the rejection, the Office Action asserts that “it is not clear how to alter a conventional/commercially available faceplate, usually used in an ITE or CIC hearing aid and in a rather small size, to provide a side plate of a BTE hearing aid.” However, Applicant is unable to locate this language in the claims. While Applicant considers the Office Action to support the claimed subject matter, if this rejection is continued, Applicant requests that the Examiner identify the specific claim language considered to be unsupported.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Application No.: 10/019839

Docket No.: HHI-035US

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. HHI-035US from which the undersigned is authorized to draw.

Dated: March 18, 2004

Respectfully submitted,

By 

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Attachments